



## Department of Energy

Oak Ridge Operations Office  
P.O. Box 2001  
Oak Ridge, Tennessee 37831—

August 6, 2002

Dr. Lee A. Barclay, Ph.D.  
Field Supervisor  
Fish and Wildlife Service  
446 Neal Street  
Cookeville, Tennessee 38501

Dear Dr. Barclay,

**INFORMAL CONSULTATION UNDER SECTION 7 OF THE ENDANGERED SPECIES ACT, BIOLOGICAL ASSESSMENT FOR IMPLEMENTATION OF A COMPREHENSIVE MANAGEMENT PROGRAM TO STORE, TRANSPORT, AND DISPOSE OF POTENTIALLY RE-USABLE URANIUM MATERIALS**

Please find enclosed a copy of a Biological Assessment (BA) for Threatened and Endangered Species under Section 7 of the Endangered Species Act for Implementation of a Comprehensive Management Program to Store, Transport, and Dispose of Potentially Re-Usable Uranium Materials. This BA was prepared in response to a request by the U. S. Fish and Wildlife Service (USFWS), (Letter from Dr. Lee A. Barclay, U. S. Fish and Wildlife Service, Cookeville, Tennessee, to Mr. David Allen, U. S. Department of Energy (DOE), Oak Ridge, Tennessee, June 10, 2002). The BA addresses three species identified by the USFWS -- the gray bat, the Indiana bat and the pink mucket -- in the aforementioned letter. Both the Y-12 National Security Complex and the East Tennessee Technology Park are being considered by the DOE as potential interim storage sites for consolidation of approximately 14,200 MTU of uranium materials in the Uranium Management Group inventory.

DOE staff conclude, based on the information presented in this BA, that implementation of the proposed action at either site on the Oak Ridge Reservation (ORR) is not likely to adversely affect any of the listed species because the proposed action involves potential warehouse construction on already developed, industrialized areas on the ORR. The ORR does not contain any proposed or designated critical habitat for the gray bat or the Indiana bat, so none would be affected. In addition, any potential adverse impacts to the Indiana bat would be expected to be negligible due to the lack of suitable summer roosting habitat at both sites. Although the ultimate use of either site may eventually require the removal of trees, any potential roosting habitat at the site is, at best, marginal. Also, there are adequate numbers of suitable and potentially suitable roost trees available immediately adjacent to the two sites. The proposed action would not affect any potentially suitable habitat for the pink mucket in the Clinch River or its tributaries. It is unlikely that the proposed action would result in any off-site releases of sediment or potential contaminants that would adversely affect this mussel. DOE requests the concurrence of the USFWS with these conclusions.

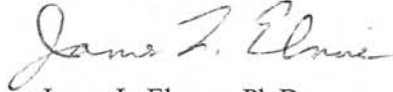
 PRINTED ON RECYCLED PAPER

Dr. Lee A. Barclay, Ph.D.

2

This letter is intended to serve as informal consultation under Section 7 of the Endangered Species Act. If you need further information, please call me at (865) 576-0938. Thank you in advance for your prompt reply.

Sincerely,

A handwritten signature in cursive script, appearing to read "James L. Elmore".

James L. Elmore, Ph.D.  
Alternate NEPA Compliance Officer

Enclosure

cc:

David Allen, SE-30-1

Carolyne Thomas, NU-51

Wayne Tolbert, SAIC, Oak Ridge



## United States Department of the Interior

### FISH AND WILDLIFE SERVICE

446 Neal Street  
Cookeville, TN 38501

September 18, 2002

Mr. James L. Elmore, Ph.D.  
U.S. Department of Energy  
Oak Ridge Operations Office  
P.O. Box 2001  
Oak Ridge, Tennessee 37831

Dear Dr. Elmore:

Thank you for your letter and enclosure of August 6, 2002, transmitting the Biological Assessment (BA) for the Implementation of a Comprehensive Management Program to Store, Transport, and Dispose of Potentially Re-Usable Uranium Materials at the Y-12 National Security Complex and the East Tennessee Technology Park in Oak Ridge, Roane and Anderson Counties, Tennessee. U.S. Fish and Wildlife Service (Service) personnel have reviewed the information submitted and offer the following comments for consideration.

The BA is adequate and supports the conclusion of not likely to adversely affect, with which we concur. In view of this, we believe that the requirements of Section 7 of the Endangered Species Act (Act) have been fulfilled and that no further consultation is needed at this time. However, obligations under Section 7 of the Act must be reconsidered if: (1) new information reveals that the proposed action may affect listed species in a manner or to an extent not previously considered, (2) the proposed action is subsequently modified to include activities which were not considered in this biological assessment, or (3) new species are listed or critical habitat designated that might be affected by the proposed action.

Our previous comments of June 10, 2002, regarding the Programmatic Environmental Assessment (PEA) remain valid. We would appreciate further consideration of the issues presented therein.

These constitute the comments of the U.S. Department of the Interior in accordance with provisions of the Endangered Species Act (87 Stat. 884, as amended: 16 U.S.C. 1531 et seq.), the Migratory Bird Treaty Act (16 U.S.C. 703-711), the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.), and the National Environmental Policy Act (42 U.S.C. 4321-4347; 83 Stat. 852). We

appreciate the opportunity to comment. Should you have any questions or need further assistance, please contact Steve Alexander of my staff at 931/528-6481, ext. 210, or via e-mail at [steven\\_alexander@fws.gov](mailto:steven_alexander@fws.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Lee A. Barclay". The signature is fluid and cursive, with the first name "Lee" being the most prominent.

Lee A. Barclay, Ph.D.  
Field Supervisor

xc: John Owsley, TDEC, Oak Ridge  
Dave McKinney, TWRA, Nashville